

REMARKS

Claims 5-8, 12 and 14-15 are all the claims pending in the application. Claim 5 has been amended. New Claims 14 and 15 have been added. Support for the amendment to Claim 5 and new Claims 14-15 can be found at least at page 11, lines 29-33 and Figure 6 of the specification. Thus, no new matter has been introduced.

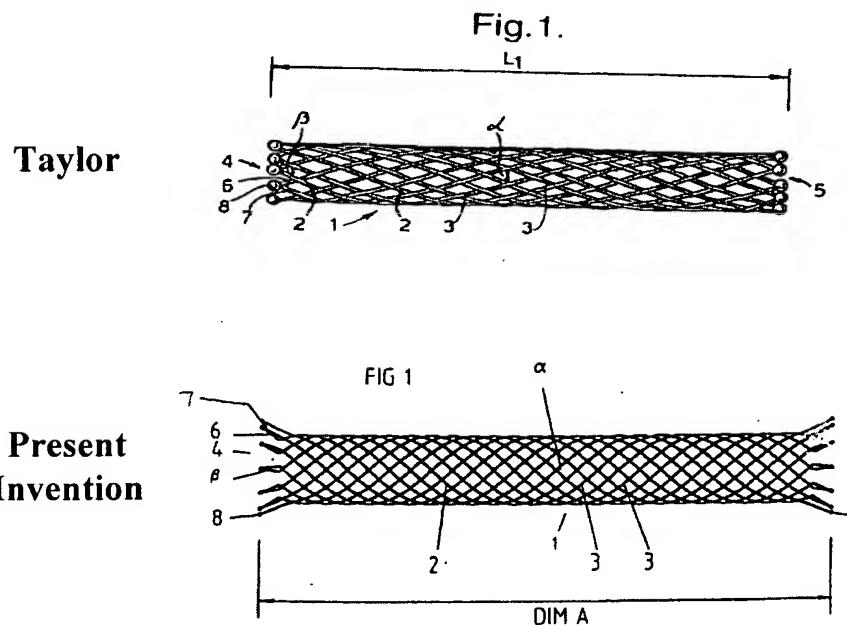
Claims 5-8 and 12 have been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,083,257 to Taylor et al. ("Taylor"). Applicants traverse the rejection for the following reasons.

As amended, independent Claim 5 is directed to a radially self-expanding stent for implantation in a body passage. The stent comprises first and second sets of mutually counter-rotating metallic filaments which are braided together and define a tubular stent body having two ends. The tubular stent body is mechanically biassed towards a first radially expanded configuration in which it is unconstrained by externally applied forces and can be retained in a second radially compressed configuration, and in which some or all of the filament ends at the ends of the body are fixed together in pairs each consisting of counter-rotating filaments by placing the filaments over one another and placing them adjacent to and substantially parallel to one another and further comprising a join at each end fixing to retain the ends of the filaments in contact with one another. Some but not all of the filament ends are welded, and the joins extend outward radially from a main body of the stent.

It is asserted that Taylor discloses first and second sets of mutually counter rotating metallic filaments 2, 3 in which some or all of the filament ends are fixed together in pairs (the Examiner relies upon col. 11 of Taylor, lines 3-6) by placing the filaments adjacent to and

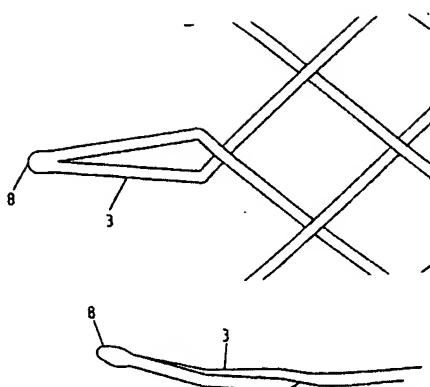
substantially parallel to one another (Figures 4 and 5) and further comprising a join at each end, wherein some but not all of the filament ends are welded (col. 13, lines 50-63). The Examiner refers to column 7 of Taylor, lines 5-8 as teaching the recitations of Claims 6, 7 and 12. Further, it is asserted that the proximal surface of the joins disclosed in Taylor provides for a shoulder, as recited in Claim 8.

Without acquiescing in the rejection, Claim 5 has been amended to specify that the joins extend outward radially from a main body of the stent. The specification in Taylor does not teach joins extending outward radially from a main body of the stent, as recited in Claim 5 of the present invention. Furthermore, a comparison of Fig. 1 of Taylor to Figs. 1 and 6 of the present invention (as shown below) demonstrates an example of the difference of the joins disclosed by the two inventions.



**Present
Invention**

FIG 6



The joins shown in Fig. 1 of Taylor do not extend outward radially from the main body of the stent, as do the joins shown in Figs. 1 and 6, and recited in Claim 5 of the present invention. For at least the reasons that Taylor fails to disclose joins that extend outward radially from the main body of the stent, Taylor fails to anticipate Claim 5.

Claims 6-8 and 12 depend from Claim 5 and are patentable over Taylor for the same reason Claim 5 is patentable over Taylor, as discussed above.

Accordingly, as Taylor fails to anticipate Claims 5-8 and 12, withdrawal of the rejection under 35 U.S.C. § 102(e) is respectfully requested.

New Claims 14 and 15 depend either directly or indirectly from Claim 5 and further define the angle at which the joins bend outward. In this regard, see Fig. 6, above. Claims 14 and 15 are patentable over Taylor for the same reason Claim 5 is patentable over Taylor, as discussed above.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/031,064

Atty. Docket No. Q68069

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Kim E. Choate
Kim E. Choate
Registration No. 57,102

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: November 21, 2006